

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FRANK J. VOTTA
LYNN E VOTTA

Plaintiffs,

v.

AMERIPATH MORTGAGE CO. and
COUNTRYWIDE HOME LOANS

Defendant.

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C.A.05-11133WGY

DISMISSAL STIPULATION

Pursuant to Federal Rule of Civil Procedure 41(a), the Plaintiffs hereby dismiss their complaint against the Defendant, Countrywide Home Loans with prejudice. This dismissal is based upon representations of counsel that said Defendant is only a servicer and not the holder of the subject mortgage.

**Frank J. Votta
Lynne Votta
By their attorney,**

**/s/Christopher M. Lefebvre
BBO #629056
PO BOX 479
Pawtucket, R.I. 02862
401-728-6060**

CERTIFICATION OF SERVICE

I hereby certify that on August 4, 2005, I electronically filed a Dismissal Stipulation with the Clerk of the District Court for the District of Massachusetts using the CM/ECF System. The following participants have received notice electronically: Daniel J. Pasquarello, Esq., and R. Bruce Allensworth, Esq.
and I hereby certify that I have mailed by United States Postal Service, postage pre-paid, the document and a copy of the Notice of Electronic Filing to the following non CM/ECF participants: None

/s/Maria J. Ferreira